

EXHIBIT 1

Page 1

1 Volume:
2 Pages: 1 - 132
3 Exhibits: 1 - 11
4
5
6 COMMONWEALTH OF MASSACHUSETTS
7
8 Suffolk, ss. Superior Court
9 No. 04-2012-F
10
11 MICHAEL WATSON, INDIVIDUALLY
12 AND AS FATHER AND NEXT FRIEND
13 OF JOHN WATSON,
14
15 Plaintiffs
16
17 vs.
18
19 PARTNER INDUSTRIAL PRODUCTS,
20
21 Defendant
22
23 Deposition of MICHAEL WATSON, a witness
24 called on behalf of the Defendant, pursuant
to the Massachusetts Rules of Civil
Procedure, before Rosamond K. Marcy, a
Certified Shorthand/Registered Professional
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the Offices
of Sugarman, Rogers, Barshak & Cohen, P.C.,
101 Merrimac Street, Boston, Massachusetts
02114, commencing at 10:00 A.M. on Thursday,
August 4, 2005.

Page 2

1 APPEARANCES:
2 JONATHAN E. TOBIN, Esquire
3 [Finneran, Byrne, Drechsler, L.L.P.]
4 Eastern Harbor Office Park
5 50 Redfield Street
6 Boston, Massachusetts 02122
7 for the Plaintiff, Michael Watson.
8
9 DAVID A. BARRY, Esquire
10 SULEYKEN D. WALKER, Attorney
11 [Sugarman, Rogers, Barshak & Cohen, P.C.]
12 101 Merrimac Street
13 Boston, Massachusetts 02114
14 for the Defendant, Partner Industrial
15 Products.
16
17 PRESENT:
18
19 Lennhott Gustafsson.
20
21
22
23
24

Page 3

1 I N D E X
2 Deposition of: DIRECT CROSS REDIRECT RECROSS
3 MICHAEL WATSON
4 (By Mr. Barry) 4 130
5 (By Mr. Tobin) 127
6
7 E X H I B I T S
8
9 Watson
10 Number: For Ident.
11 1-5 - Group of photographs 80
12 6 - Saw 109
13 7 - Photograph File No. 100-0848 110
14 8 - Photograph File No. 100-0850,
15 Time 11:27 111
16 9 - Photograph File No. 100-0851,
17 Time 11:30 112
18 10 - Photograph File No. 100-0852,
19 Time 11:34 115
20 11 - Photograph File No. 100-0853,
21 Time 11:36 115
22
23
24

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1 STIPULATIONS
2 It is hereby stipulated and
3 agreed by and between counsel for the
4 respective parties that the witness will
5 read and sign the deposition transcript
6 within thirty days. The sealing and
7 filing of the deposition transcript are
8 waived.
9 It is further stipulated and
10 agreed that all objections, except as to
11 form, and motions to strike will be
12 reserved to the time of trial.
13 MICHAEL WATSON,
14 a witness called on behalf of the
15 Defendant having first been properly
16 identified and duly sworn, deposes and
17 says as follows:
18 DIRECT EXAMINATION
19 BY MR. BARRY
20 Q. Good morning, Mr. Watson. I'll
21 introduce myself to you again. My name
22 is David Barry and I represent the
23 defendant in the lawsuit that you've
24 brought. I'm going to be asking you a

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1 series of questions about your accident
 2 and your injuries. If at any time you
 3 don't understand a question that I ask
 4 you would you be kind enough to tell me
 5 that and I will try and rephrase it in a
 6 way that you can understand it.
 7 A. Yes.
 8 Q. Your lawyer may have instructed you
 9 earlier but I will just ask that you
 10 wait until I finish my question before
 11 you give your answer.
 12 A. Yes.
 13 Q. You have to answer out loud so the court
 14 reporter can take down your answer
 15 whatever it may be as opposed to
 16 answering or responding with nods or
 17 shakes of the head.
 18 A. Okay.
 19 Q. What is your name, sir?
 20 A. Michal Watson.
 21 Q. Where do you live?
 22 A. I currently live at 24 Dana Road in
 23 Sandwich, Massachusetts.
 24 Q. Is that a house?

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1 A. Yes.
 2 Q. Who owns the house?
 3 A. A friend, Bob Wheeler.
 4 Q. How long have you known Mr. Wheeler?
 5 A. Approximately twelve years.
 6 Q. Does Mr. Wheeler live in the house?
 7 A. Yes, he does.
 8 Q. Does anybody else live in the house
 9 besides you and Mr. Wheeler?
 10 A. Right now, yes. There's one other
 11 gentleman staying there.
 12 Q. Who is that?
 13 A. Michael Forfia.
 14 Q. How long have you known Mr. Forfia?
 15 A. Approximately two years.
 16 Q. Are you paying rent?
 17 A. Yes.
 18 Q. What do you pay for rent?
 19 A. Six hundred dollars.
 20 Q. Per month?
 21 A. Per month.
 22 Q. Are you currently employed?
 23 A. No, I am not.
 24 Q. When were you last employed?

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1 A. The last day that I worked was on
 2 December 5, 2001.
 3 Q. Is that the date of the accident that is
 4 the subject of this lawsuit?
 5 A. That's correct.
 6 Q. At that time you were working for Modern
 7 Continental.
 8 A. Yes, I was.
 9 Q. Are you married?
 10 A. I am divorced.
 11 Q. What is your ex-wife's name?
 12 A. Amy.
 13 Q. Amy Watson?
 14 A. Yes.
 15 Q. What was her maiden name?
 16 A. O'Halloran.
 17 Q. When were you married to Amy O'Halloran?
 18 A. On October 14 of 1995.
 19 Q. Where were you married?
 20 A. In Newton.
 21 Q. Where does Amy Watson live?
 22 A. In South Boston.
 23 Q. The address?
 24 A. 39 Old Harbor Street.

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1 Q. How long has she lived there?
 2 A. About eight years.
 3 Q. Did you live there with her at one time?
 4 A. Yes.
 5 Q. Was that the last place you lived
 6 together?
 7 A. Yes.
 8 Q. Is this an apartment?
 9 A. It's a condo.
 10 Q. Who owns the condo?
 11 A. She does now.
 12 Q. When were you divorced?
 13 A. August of 2003.
 14 Q. Where were you divorced? There were
 15 some papers filed in some county in
 16 Massachusetts?
 17 A. Suffolk.
 18 Q. And you and Amy Watson have one child,
 19 is that correct?
 20 A. That's correct.
 21 Q. That is your son John.
 22 A. Yes.
 23 Q. What is John's date of birth?
 24 A. April 18, 2000.

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1 Q. For how long did you have that job?
 2 A. About four months.
 3 Q. Did you use any power tools?
 4 A. With them, no.
 5 Q. What is the next job you had?
 6 A. I went to work for J. Cashman working in
 7 the Fort Point Channel area near the
 8 Post Office.
 9 Q. J. Cashman is a big contractor on the
 10 Big Dig.
 11 A. Yes. He specializes in pile-driving
 12 work, that type of work but that's not
 13 what I was really doing.
 14 Q. What were you doing?
 15 A. General laborer's work, setting up,
 16 doing cleaning, jack-hammering, a lot of
 17 chipping. I did some pile work, built
 18 lagging walls, pile drivers.
 19 Q. Did you use any construction saws?
 20 A. Chain saws from time to time. On the
 21 lagging walls.
 22 Q. What type of chain saw?
 23 A. Stihl and we had Husquvarna.
 24 Q. So working for J. Cashman you used chain

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1 saws and they were Stihl and Husquvarna.
 2 A. Yes, both gas-operated.
 3 Q. What would you do with those chain saws?
 4 A. Cut the wood that you use for the
 5 lagging walls.
 6 Q. How long did you work for Cashman?
 7 A. Six months.
 8 Q. That takes us up to when, '99 sometime?
 9 A. Yes.
 10 Q. What was your next job through the
 11 Laborers' Union?
 12 A. I worked for Trevi Icos.
 13 Q. What type of company is that?
 14 A. They primarily do slurry panels.
 15 Q. What the concrete gets poured into?
 16 A. The walls in the tunnel. Not the finish
 17 walls, the actual footing walls.
 18 Q. What did you do for them?
 19 A. Poured a lot of concrete. Keeping the
 20 area clean. They do a lot of digging
 21 and ensuring the area stays clean,
 22 really. There are a lot of trucks
 23 coming in and out and making sure the
 24 trucks get in and out. When the

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1 concrete comes, you pour concrete until
 2 the wall is finished. I poured a lot of
 3 concrete.
 4 Q. Did you use any tools?
 5 A. Air tools, pneumatic tools.
 6 Q. No saws.
 7 A. No saws.
 8 Q. How long did you work for Trevi Icos?
 9 A. About a year.
 10 Q. This gets us up to sometime in 2000.
 11 A. Yes.
 12 Q. What was the next job you had through
 13 the Laborers' Union?
 14 A. I worked chipping brick at U.Mass.
 15 Boston, Chapman.
 16 Q. What does Chapman do?
 17 A. They are a waterproofing company.
 18 Q. What did you do for them?
 19 A. Chipped brick.
 20 Q. Did you use any tools?
 21 A. Drills.
 22 Q. How long did you work for them?
 23 A. A couple of months, three months, maybe.
 24 Q. What was the next job you had?

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1 A. Modern Continental.
 2 Q. When did you start working for Modern
 3 Continental?
 4 A. The spring of 2001.
 5 Q. Did you work for them right up until
 6 December 5, 2001 when you had your
 7 accident?
 8 A. Yes.
 9 Q. When you worked for Modern Continental
 10 was it always on the Big Dig?
 11 A. Yes.
 12 Q. It wasn't some other construction
 13 project.
 14 A. No.
 15 Q. What was Modern Continental's role as a
 16 contractor on the Big Dig?
 17 A. During the time I was working for them
 18 they were the general contractors.
 19 Q. During the time you worked for Modern
 20 Continental was it always on one site of
 21 the Big Dig?
 22 A. Yes.
 23 Q. Where was that site?
 24 A. Atlantic Avenue.

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1 often.
2 Q. You think it was also made by Stihl?
3 A. I know it was.
4 Q. What would you do with it on the Cashman
5 job?
6 A. On that particular job we used it
7 cutting pipe.
8 Q. Did you receive any instruction or
9 training in how to use it on the Cashman
10 job?
11 A. I don't remember.
12 Q. Did you read any Owner's Manuals
13 literature about it?
14 A. No.
15 Q. How many times did you use it on the
16 Cashman job?
17 A. A handful, five in the course of six
18 months.
19 Q. Can you estimate the number of hours of
20 use total?
21 A. Maybe an hour at a time.
22 Q. That was an electric saw as well.
23 A. That was gas.
24 Q. That was not below ground.

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1 A. No.
2 Q. Did you use a chop saw or what is called
3 a cut-off saw, a saw of the type
4 involved in your accident on any other
5 occasion besides your use of the saw for
6 three weeks to a month before the
7 accident and your use of this Stihl
8 gas-operated saw on the Cashman job?
9 A. I can't recall any time.
10 Q. The only occasions when you remember
11 using a saw of the type involved in your
12 accident were when you used the
13 gas-operated saw on the Cashman job and
14 when you used the accident saw for three
15 weeks to a month before the accident.
16 A. Those two I remember.
17 Q. Those are the only times you can
18 remember using a saw of this general
19 type?
20 A. The only times I can remember, yes.
21 Q. Tell me about your use of the accident
22 saw during the three weeks to a month
23 before the accident and by that I mean
24 what did you do with it, how often did

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1 you use it, etcetera?
2 A. We were down below the tile stripping so
3 there would be times when we would be
4 taking the wood off and I wouldn't be
5 using the saw. That would go on for a
6 couple of hours. Then I would go back
7 to using the saw to cut the ribs of the
8 rebars that were sticking out of the
9 wall. The last week or so there was a
10 lot more of the saws being used. The
11 wood had been just about done. I was
12 going around cutting anything that was
13 still there. There were big sections
14 that hadn't even been touched yet but
15 the last week it was pretty much an
16 everyday thing pretty much all day with
17 some exceptions. Setup time or cleanup
18 time or moving time, moving from one
19 spot to the next they had to bring all
20 the tools that were involved in cleaning
21 up the wall after I'm done. The last
22 week, all that week, Monday, Tuesday to
23 Thursday, that's all we have been doing.
24 Q. During that last week you were pretty

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1 much using the saw constantly?
2 A. Yes. A lot of these jobs you have
3 different people doing different things
4 and you take turns. The last week
5 that's all I was doing, I was the saw
6 guy.
7 Q. When you say that's all you were doing
8 did you use the saw to cut anything
9 other than cut the rebars flush to the
10 wall?
11 A. I don't remember.
12 Q. That's what you primarily remember using
13 it for.
14 A. Yes.
15 Q. Before you started using the saw
16 involved in your accident on the Modern
17 Continental job did you get any
18 instruction from anybody at Modern
19 Continental on how to use it?
20 A. Not that I remember.
21 Q. Did you feel you needed any instruction
22 or did you feel you really knew how to
23 use the saw?
24 A. I felt like I knew how to use the saw.

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1 I was very comfortable with that.
 2 Q. Did you have any problems with it during
 3 the period of time right up until the
 4 accident happened?
 5 A. No.
 6 Q. When you were cutting rebars during that
 7 last week particularly leading up to the
 8 accident were you always on a ladder?
 9 A. No.
 10 Q. Sometimes you were, sometimes you
 11 weren't?
 12 A. Yes.
 13 Q. Over the last week before the accident
 14 over what distance in the tunnel were
 15 you cutting these rebars?
 16 A. To clarify we are now underneath the
 17 tunnel.
 18 Q. What do you call this area underneath
 19 the tunnel?
 20 A. The part we were working on was right
 21 near the Vent Shaft Building.
 22 Q. Can you estimate the number of rebars
 23 you had cut right up until the accident?
 24 A. No.

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1 Q. Was it hundreds?
 2 A. Hundreds.
 3 Q. You were aware before the accident that
 4 the blade continued to turn for some
 5 period of time after you released your
 6 finger from the trigger, weren't you?
 7 A. Yes.
 8 Q. And that was something you could see.
 9 The blade would continue to rotate for
 10 some time after you released your finger
 11 from the trigger.
 12 MR. TOBIN: Objection.
 13 Q. If you were looking at the blade after
 14 you released your finger from the
 15 trigger you could see that for some
 16 period of time it continued to turn,
 17 correct?
 18 A. Yes.
 19 Q. Could you hear it until it stopped?
 20 A. Yes.
 21 Q. And that's something you were aware of
 22 before your accident from your
 23 experience with the saw.
 24 A. Yes.

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1 Q. You knew that it didn't stop immediately
 2 as soon as you released your finger from
 3 the trigger.
 4 A. Yes.
 5 Q. Did you know before your accident about
 6 how long it took the blade to close down
 7 between when you released your finger
 8 from the trigger and when it finally
 9 came to a stop, approximately?
 10 A. No.
 11 Q. It was a matter of a number of seconds?
 12 A. Yes.
 13 Q. Did you realize before your accident
 14 that if part of your body came into
 15 contact with the coasting blade even
 16 after you released your finger from the
 17 trigger you could be hurt?
 18 MR. TOBIN: Objection.
 19 A. Yes.
 20 Q. And you knew you had to be careful to
 21 keep the coasting blade away from your
 22 body even if it wasn't under power,
 23 correct?
 24 MR. TOBIN: Objection.

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1 A. Still spinning.
 2 Q. Still spinning after you released your
 3 finger from the trigger. That's what I
 4 am referring to as coasting.
 5 A. Yes.
 6 Q. And you knew that a coasting blade, one
 7 that was still spinning even after you
 8 released your finger from the trigger of
 9 the saw could injure you if you came
 10 into contact with it.
 11 A. Still spinning, yes.
 12 Q. How would you turn the saw on, activate
 13 the saw?
 14 A. There are two -- there's a name for it,
 15 I don't know the name for it, type of
 16 switching but you have to press those
 17 two buttons to trigger it. When you are
 18 holding it you can't pull the trigger.
 19 It locks.
 20 Q. The switch locks?
 21 A. Something like that. You have to press
 22 the button to unlock the lock to pull
 23 the trigger.
 24 Q. You have to press a button in order to

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1 unlock the trigger so that you can press
 2 the trigger to start the saw.
 3 A. Yes.
 4 Q. Up until your accident did that
 5 mechanism, that switch lock work
 6 properly as far as you knew?
 7 A. As far as I know.
 8 Q. As far as you knew you weren't able to
 9 depress the trigger of the saw unless
 10 you first depressed the switch lock, is
 11 that right?
 12 A. Right.
 13 Q. At any time had you read the Owner's
 14 Manual for the saw that was involved in
 15 your accident before your accident
 16 happened?
 17 A. No.
 18 Q. At any time before your accident
 19 happened had you read the Owner's Manual
 20 or any Safety Manual for any chop saw or
 21 saw of this type?
 22 A. On this job or any time?
 23 Q. At any time before December 5, 2001 had
 24 you read any Owner's Manual for any chop

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1 saw?
 2 A. I don't know.
 3 Q. Not that you can remember?
 4 A. Not that I can remember.
 5 Q. What time did you report to work on
 6 December 5, 2001?
 7 A. I have to say seven in the morning.
 8 Q. Do you remember what you did this
 9 morning on the job?
 10 A. I got the tools I needed. Our tools
 11 were stored up top on the tunnel level.
 12 I got the tools we needed and descended
 13 downwards to the shaft.
 14 Q. So you brought the saw down to the
 15 shaft.
 16 A. Yes.
 17 Q. When you got the saw did you have to
 18 sign it out or anything like that or did
 19 you just take it?
 20 A. We have a gang box, a big tool box.
 21 It's locked.
 22 Q. Did you have a key to it?
 23 A. Yes.
 24 Q. Did you open the box?

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1 A. I don't remember that morning.
 2 Q. You don't have to sign anything, you
 3 just take the saw?
 4 A. Yes.
 5 Q. So that morning you were cutting rebars
 6 as you had been earlier that week.
 7 A. Yes.
 8 Q. Do you remember what time you broke for
 9 lunch?
 10 A. Ten of twelve.
 11 Q. That was the time?
 12 A. Yes.
 13 Q. How long did you have for lunch?
 14 A. We had to go back at 12:30.
 15 Q. Did you bring your lunch with you?
 16 A. Yes.
 17 Q. Do you remember what you had that day?
 18 A. I don't.
 19 Q. What were you wearing?
 20 A. I had on a pair of pants similar to the
 21 ones I'm wearing, khaki-type sport
 22 pants, probably a little thicker. I had
 23 on an orange shirt and boots, a hard
 24 hat.

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1 Q. Do you still have the pants you were
 2 wearing when you were injured?
 3 A. I don't.
 4 Q. What type of blade was in the saw?
 5 A. A steel-cutting fiber-type blade.
 6 Q. Do you know the dimensions of it?
 7 A. I don't.
 8 Q. Do you think you would recognize it if I
 9 showed you a picture?
 10 A. One like the one I was using?
 11 Q. Yes.
 12 A. Yes.
 13 [Group of photographs marked
 14 Watson Exhibit Nos. 1
 15 through 5 for
 16 Identification.]
 17 Q. I'm going to show you a photograph we
 18 have just marked as Exhibit 1 for
 19 Identification and ask you if you
 20 recognize what is shown in that
 21 photograph.
 22 A. Yes. It's the blade of a saw sitting on
 23 some wood with some stay forms on the
 24 left.

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1 Q. Was the saw plugged in to some sort of
2 extension cord at the time the accident
3 happened?
4 A. Yes.
5 Q. How much length was there between the
6 saw and the power source?
7 A. I would say it was a hundred-foot
8 extension cord. Most of them are. It
9 had to go down the thirty feet to get to
10 where I was, where that light was. The
11 power source would be somewhere on that
12 light, the light that is in one of the
13 exhibits, so fifty feet, seventy-five
14 feet.
15 Q. Was there any other worker who used this
16 saw, meaning the one involved in your
17 accident, during the three weeks or so
18 that you used it up until your accident?
19 A. I can't say for certain. It's been used
20 by other people but who I can't
21 remember. It would have been people
22 that worked in the same crew as I did.
23 Q. Would it be fair to say that at least
24 during this last week leading up to the

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1 accident you were the only person who
2 used this saw if you were using it full
3 time?
4 A. That would be fair.
5 Q. Can you paint a word picture of the area
6 where the accident happened?
7 A. The setting is just outside the vent
8 building, underneath the tunnel of the
9 vent building area at the base of the
10 flues I guess you could call it. Where
11 I am standing probably ten feet away
12 from me is an incline and it goes up
13 into the actual flues themselves. I am
14 down at the base probably twenty or
15 thirty feet from the vent building.
16 It's dark. There's light but in the
17 tunnel there are a lot of shadows being
18 cast, dark and a lot of noise. The
19 walls are all concrete. The floor and
20 the ceiling area all concrete. There
21 are rebars sticking out of the wall I am
22 particularly working on. This is
23 actually the last section of the tunnel
24 where we are working on, the only time

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1 we actually had to go into the tunnel to
2 get the forms out. This was the last
3 pour. Out back in the vent building
4 area it's probably forty feet up to the
5 tunnel, thirty or forty feet below the
6 actual tunnel. The only real access in
7 and out of this unless you walk to the
8 end of the flues is through the vent
9 shaft. The flues themselves are
10 probably only four feet. To work in
11 those you have to bend down. The spot I
12 was on was level to the actual vent
13 shaft floor at the base of the flues.
14 Q. What was the source of lighting or
15 illumination in the area where you were
16 working?
17 A. At the exact area at the exact time I
18 don't exactly recall. They had several
19 halogen light trees set up throughout
20 that could be moved around. There were
21 actually two sides of these flues that
22 run parallel to the tunnel. I was on
23 one side and there were people working
24 on the other side. It's like a

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1 turnaround point like a U shape to get
2 from one to the next and all around the
3 U shape there were lights. There were
4 some string lights going up around the
5 U shape and all around the corridors we
6 could set up our halogen lights
7 wherever we needed them. Some of them
8 were trees and some of them were just
9 little stands for them to hook onto
10 things. You could elevate them and hang
11 them from higher points.
12 Q. But despite this illumination you would
13 describe the immediate area where you
14 were when the accident happened as dark?
15 MR. TOBIN: Objection.
16 A. Not like daylight dark. You have light
17 shining in and shadows. It's a tunnel
18 condition. There's no sunlight. There
19 are a lot of shadows being cast. There
20 are a lot of different levels of
21 terrain. It goes upwards.
22 Q. If I can characterize it as a room, and
23 I'm not sure that that's a fair
24 characterization, how far was the room,

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1 how tall was the room? How much
2 distance between the floor and the
3 ceiling where you were at when the
4 accident happened?
5 A. Probably fifteen or twenty feet.
6 Q. The surface was concrete, right?
7 A. Yes.
8 Q. Was it level?
9 A. Where I was working was level. It was
10 ten, fifteen, twenty feet from the
11 actual incline. I wasn't working on the
12 incline.
13 Q. You were on a ladder when the accident
14 happened.
15 A. Yes. When the accident actually
16 happened was I on the ladder? At the
17 base of the ladder.
18 Q. What type of ladder was it?
19 A. It's generally a straight ladder.
20 Q. Not a stepladder?
21 A. Not a stepladder. One portion of it I
22 guess would be a good way to describe
23 it. It has feet. It leans up against
24 the wall you are working on.

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1 Q. What was it made of?
2 A. Aluminum.
3 Q. How tall was it?
4 A. I don't remember how tall it was. It
5 had to be under fifteen feet. More than
6 ten, probably twelve.
7 Q. Had you placed it up against the wall?
8 A. Yes.
9 Q. What was the height from the floor to
10 the ceiling of the rebars that you were
11 cutting? Were the rebars up all along
12 the level?
13 A. They ran up from the floor to the
14 ceiling.
15 Q. In height from the floor to the ceiling?
16 A. Fifteen to twenty feet.
17 Q. Going up from the floor to the ceiling
18 how many rebars would there be?
19 A. I don't remember.
20 Q. How far apart were they spaced
21 approximately?
22 A. Three feet.
23 Q. Going up from the floor to the ceiling.
24 A. In every direction. It's probably a

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1 standard number. About three feet.
2 Q. Were you cutting from the top going down
3 to the bottom or were you working in the
4 opposite direction from the floor up to
5 the ceiling?
6 A. I did all my floor work. The ceiling
7 work had been done, too. There was
8 staging we had down there to give us a
9 way to work up to the top. The ladder
10 work would have been the intermediate
11 ones.
12 Q. The really high ones you didn't use a
13 ladder, you used staging?
14 A. Yes.
15 Q. Was the staging available to be used?
16 A. At that point there wasn't any in the
17 area, no.
18 Q. Where was the staging?
19 A. I don't know. There wasn't any in the
20 immediate area.
21 Q. Could you have used staging to make the
22 last cut that you made before you were
23 injured?
24 A. Would it have been another option?

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1 Q. Yes.
2 A. I guess so, yes.
3 Q. Why didn't you do that?
4 A. It wasn't available and the ladder works
5 just as well if not better. It's not a
6 height.
7 Q. Along the surface of the wall where the
8 rebar that you had just cut before your
9 accident was located, on that surface
10 had you cut any other rebars just before
11 the accident happened?
12 A. From the ladder?
13 Q. I think you told me that you had cut the
14 lower ones, is that right, along that
15 same surface of wall?
16 A. Right.
17 Q. And that didn't involve using a ladder.
18 A. No. It's low.
19 Q. What about the higher ones, had they
20 been previously cut by somebody else or
21 did you cut those?
22 A. Some hadn't been cut. I was going back
23 and doing some things that had been
24 missed or overlooked. Had every one of

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1 the top ones been cut already? I have
 2 to say no. That had been done
 3 previously to when I was doing it, I
 4 believe. Someone had been up there
 5 before me.
 6 Q. Had you cut any other rebars besides the
 7 last one that you cut before your
 8 accident with the ladder in the same
 9 position that it was at the time you
 10 made that last cut?
 11 A. I don't remember.
 12 Q. Was the last rebar that you cut just
 13 before you were injured the only rebar
 14 that you cut with the ladder in that
 15 same position?
 16 A. Once again I don't remember.
 17 Q. How high above the floor was the rebar
 18 that you cut just before your injury,
 19 approximately?
 20 A. Ten feet.
 21 Q. As you were looking at the rebar did you
 22 place the ladder or was the ladder
 23 positioned to the left or to the right
 24 of that rebar?

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1 A. To the right.
 2 Q. The ladder is to the right of the rebar
 3 and how far to the left of the ladder
 4 was the rebar?
 5 A. I couldn't tell you how far.
 6 Q. Feet or inches?
 7 A. A foot. Not too far, far enough where I
 8 could cut it. I don't know.
 9 Q. Were you wearing safety goggles at the
 10 time of your injury?
 11 A. Yes.
 12 Q. Why don't you describe to me how the
 13 accident happened.
 14 A. I was probably five or six rungs up on
 15 the ladder. I had the saw in my hand.
 16 I start the saw. I make the cut. I
 17 stop the saw, took my finger off the
 18 trigger. Repositioned the saw in my
 19 left hand and make sure I position
 20 myself on the ladder because I have to
 21 reach across my body and make sure that
 22 the cut was made flush. In this
 23 particular case the rebars just fell off
 24 so I had to reach across to make sure

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1 it's flush. That's basically what I did
 2 and to make sure it's flush I
 3 repositioned my hands so I can grab onto
 4 the saw and work my way down the ladder
 5 by the guard and one step at a time
 6 descend down the ladder until I am at
 7 the bottom and when I am at the bottom I
 8 switch the saw position so I can
 9 actually walk with the saw down in a
 10 comfortable position so my hand is now
 11 on the base, not the blade end but the
 12 base of the saw and it's down by my side
 13 and at that point in some way it came in
 14 contact with my leg and cut my leg.
 15 Q. What rung of the ladder did you say you
 16 were on when you made the cut to the
 17 best of your memory?
 18 A. The fifth or the sixth.
 19 Q. How many rungs were there on this
 20 ladder?
 21 A. I'm not exactly sure how tall the ladder
 22 was. If it was twelve feet there would
 23 be approximately twelve rungs.
 24 Q. Your feet are about halfway up the

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1 ladder?
 2 A. Yes.
 3 Q. You didn't start the saw until you got
 4 positioned to make the cut, is that
 5 right?
 6 A. That's right.
 7 Q. How did you start the saw?
 8 A. I pressed the lock off, pulled the
 9 trigger. Once the saw was started
 10 proceeded to make the cut on the rebar.
 11 Q. You understand what I mean when I refer
 12 to the front handle of the saw and the
 13 rear handle of the saw?
 14 A. Would the front be the blade?
 15 Q. I'm going to refer to the front handle
 16 as the handle closer to the blade.
 17 A. Okay.
 18 Q. I'm going to refer to the rear handle as
 19 the handle just above the trigger.
 20 A. Okay.
 21 Q. Do you understand now?
 22 A. Yes.
 23 Q. As you made the cut where was your left
 24 hand?

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1 A. The front.
2 Q. Your left hand is on the front closer to
3 the blade.
4 A. Yes.
5 Q. And your right hand is on the rear
6 handle where the trigger is.
7 A. Yes.
8 Q. You make the cut of the rebar, correct?
9 A. Yes.
10 Q. And then you said you repositioned the
11 saw after you made the cut?
12 A. Yes, because now I have to hold it to
13 keep my balance on the saw. My right
14 hand is off the handle.
15 Q. When you say you reposition, the first
16 thing you do is take your right hand off
17 the rear handle, right?
18 A. No. It would be that I would move my
19 left hand. The handle on the guard on
20 the blade side makes the turn and I was
21 just repositioned to get a better hold
22 of it.
23 Q. So you don't take your left hand off the
24 front handle. You just change the

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1 position of your left hand on the front
2 handle, is that what you are saying?
3 A. That's correct.
4 Q. And you do that because you are about to
5 check to see whether you have cut the
6 rebar flush to the wall.
7 A. Yes.
8 Q. And you are going to do that by taking
9 your right hand and feeling whether you
10 cut the rebar flush to the wall.
11 A. That's correct.
12 Q. And at some point you do that, you take
13 your right hand off the rear handle and
14 you reach over and feel whether the
15 rebar has been cut flush to the wall,
16 correct?
17 A. That's right.
18 Q. And when you did that had the blade
19 stopped turning when you were feeling
20 the wall to see if the rebar was cut
21 flush to the wall?
22 A. No.
23 Q. It was still turning?
24 A. Given the time, yes, right after the

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1 cut. There's a lot of noise. In this
2 particular instance the blade should
3 still be spinning.
4 Q. You had just removed your finger from
5 the trigger.
6 A. Yes.
7 Q. As you are reaching with your right hand
8 over across your body to feel whether
9 the rebar to your left had been cut
10 flush with the wall the blade is still
11 turning, it's coasting.
12 A. Yes.
13 Q. Was the rebar cut flush to the wall as
14 far as you remember?
15 A. Yes, it was.
16 Q. What's the next thing you do after you
17 determine that?
18 A. I am done with that cut so I go down the
19 ladder. Now I have to reposition my
20 hand again on the blade away from me.
21 Q. You are still talking about
22 repositioning your left hand.
23 A. Yes.
24 Q. So what do you do now?

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1 A. I'm repositioning for balance so I want
2 to get a good hand on the saw so I can
3 still keep my balance going down.
4 That's what the repositioning is for.
5 Q. That's how you repositioned that second
6 time. How do you reposition it that
7 second time?
8 A. Now it would be more towards to get a
9 better grip so I can work my hands to
10 guide myself down the ladder so I can
11 keep my balance.
12 Q. How do you reposition your left hand on
13 the front handle the second time?
14 A. I want a better grip on the handle
15 itself. I'm holding it in one hand now
16 moving down the ladder but I need my
17 balance on top of it. I have a better
18 grip where the guard is, more toward the
19 guard. When I'm making the cut my
20 hand's sort of parallel away from it.
21 When I actually start to go down the
22 ladder I want it sort of right on the
23 guard so it's a good way to balance
24 myself and have a good hand on the saw.

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1 Q. So you slide your left hand closer to
2 the guard.
3 A. Yes.
4 Q. The first time you reposition it in
5 order to feel whether the rebar has been
6 cut flush to the wall how do you
7 reposition your left hand then?
8 A. It's difficult to explain. I reposition
9 it after I let go with the right hand
10 just so I can turn it a little bit so I
11 can reach over and grab it. When I'm
12 making my cut it's over here away from
13 me so I'm just really guiding it. When
14 I want to reactivate the saw I just want
15 to grab it a little closer and the
16 second reposition going down the ladder
17 is just to make sure I have a good grip
18 on it when I start to move for balance
19 sake because now I'm moving so my
20 balance is critical.
21 Q. When you are moving down the ladder
22 where is your right hand?
23 A. It's on the rail.
24 Q. On the right-hand rail of the ladder?

1 Q. As you are going down the ladder your
2 left hand is on the front handle of the
3 saw and your right hand is on the right
4 rail of the ladder.
5 A. Yes, as I am descending.
6 Q. Where was your left hand and where was
7 your right hand at the time the blade
8 made contact with your left leg?
9 A. When I reached the bottom of the ladder
10 I switched the position of my hands from
11 the front to the rear.
12 Q. You are at the bottom of the ladder and
13 your left hand is still on the front
14 handle and your right hand on the
15 ladder.
16 A. Yes. When I reached the bottom I
17 switched positions of my left hand from
18 the front position to the rear position
19 so I could walk with it.
20 Q. Now you move your left hand which had
21 been on the front handle to the right
22 and put your right hand on the front
23 handle.
24 A. Yes, temporarily so I could switch to

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1 A. Yes.
2 Q. Where is the saw as you are moving down
3 the ladder?
4 A. In my left hand.
5 Q. At some point as you are going down the
6 ladder has the blade come to a stop?
7 A. Not to my knowledge. Given that it cut
8 me on the bottom I have to say no, it
9 hadn't.
10 Q. Could you hear it still moving?
11 A. No. At this point I have ear plugs.
12 Q. You had ear plugs?
13 A. Yes. Besides the noise of the saw
14 there's machinery moving around
15 overhead. There are air tools chipping.
16 There's a lot of stripping. There's a
17 lot of noise. It's not a comfortable
18 noise.
19 Q. What rung were you on when you were cut?
20 A. Whether or not my foot is actually on a
21 rung or not I don't remember but I am at
22 the bottom of the ladder. Whether I was
23 leaning with my left foot on I don't
24 remember.

1 the left so I released my left hand from
2 the front, put my left hand on the rear.
3 Q. So you put your left hand which had
4 been on the front handle on the rear
5 handle.
6 A. Yes, I transferred it.
7 Q. And you put your right hand which had
8 been on the ladder on the front handle.
9 A. I put my right hand on the front first,
10 let go with my left.
11 Q. You first put your right hand which had
12 been on the ladder on the front handle
13 and then you released your left hand
14 from the front handle and put it on the
15 rear handle.
16 A. That's correct.
17 Q. And what is the next thing that happened
18 after you changed hands that way.
19 A. The next thing I remember is feeling a
20 tingling in my leg. This is after some
21 point when I had put it down by my side
22 it had come in contact with my body. I
23 felt a tingling sensation in my foot. I
24 wasn't sure exactly what happened. I

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1 didn't know what came in contact with my
 2 leg. I felt I had banged it. When I
 3 took my next step that's when I knew I
 4 had cut myself. I couldn't feel my
 5 foot.
 6 Q. Did you ever start to saw again after
 7 you released the trigger just before
 8 reaching your right hand over to feel if
 9 you had cut the rebar flush to the wall?
 10 A. No.
 11 Q. How much time would you say went by
 12 between when you released your finger
 13 from the trigger when you were on the
 14 fifth or sixth rung of the ladder and
 15 when the blade came in contact with your
 16 leg?
 17 A. I'm not sure. I don't know.
 18 Q. Can you estimate?
 19 A. Less than a minute.
 20 Q. But beyond that you can't say?
 21 A. Not really.
 22 Q. Enough time for all those things that
 23 you just described to happen.
 24 A. Yes.

1 parallel with the wall or more than
 2 forty-five degrees which would have it
 3 coming out more from the wall?
 4 MR. TOBIN: Objection.
 5 Q. Do you understand the question?
 6 A. I do. I'm not sure.
 7 Q. Can you draw a diagram showing your
 8 approximate position into the ladder in
 9 reference to the wall?
 10 A. How the degrees go, no.
 11 Q. Can you tell me how far away from the
 12 wall the feet of the ladder were?
 13 A. At the time, no, I can't. I couldn't be
 14 exact.
 15 Q. Between the time you made the cut of the
 16 rebar and the time when your accident
 17 occurred you repositioned your hands
 18 three times on the saw. The first time
 19 you did so, according to your testimony,
 20 was when you repositioned your left hand
 21 on the front handle after you cut the
 22 rebar in order to reach your right hand
 23 over to see if the rebar was cut flush
 24 to the wall. The second time you

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1 [Short recess.]
 2 Q. Let's go back, Mr. Watson, to the point
 3 where you were making the cut of this
 4 last rebar just before you were hurt.
 5 As you were making that cut where was
 6 the saw in relation to your body?
 7 A. In front of me off to my left making the
 8 cut.
 9 Q. How high was it in relation to your
 10 shoulders?
 11 A. Between my shoulders and my waist.
 12 Q. And there was a ladder that you were on,
 13 correct?
 14 A. That's correct.
 15 Q. And it was leaning up against the wall,
 16 correct?
 17 A. Yes.
 18 Q. What angle, approximately, did the
 19 ladder make with the wall?
 20 A. I wouldn't be able to tell you that.
 21 Q. Let's start with a forty-five degree
 22 angle. Did it make an angle less than
 23 forty-five degrees which would put it
 24 more parallel or closer to being

1 repositioned your left hand on the front
 2 handle of the saw was when you did so in
 3 order to go down the ladder, and the
 4 third time you repositioned your hands
 5 was when you got to the bottom of the
 6 ladder or near the bottom of the ladder
 7 and you reached your right hand which
 8 had been on the ladder over to the front
 9 handle and took your left hand which had
 10 been on the front handle and moved it to
 11 the rear handle in order to carry the
 12 saw, is that right?
 13 A. Yes.
 14 Q. I just wanted to make sure I got the
 15 sequence. I think I described it
 16 accurately. With that in mind as we
 17 told you we have an exemplar saw here.
 18 It's not the saw involved in your
 19 accident. I'm going to ask you to just
 20 show as best you can how you were
 21 holding the saw at the various points in
 22 time that you just described. Okay?
 23 A. Sure.
 24 MR. BARRY: Just so the

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1 Do you remember that testimony?
2 A. I know what you are referring to.
3 Q. Would you describe again what you
4 experienced when you said you felt the
5 saw jerking.
6 A. When it came in contact with me I felt
7 like it banged off me. At first I
8 didn't know it was the blade had come in
9 contact with me. I thought I had been
10 hit with a guard maybe to be honest with
11 you. When part of the saw hit me it
12 felt like a bang more than a cut.
13 Obviously it had cut me. It was
14 bleeding but it felt like it banged
15 against me. I don't know if "jerked" is
16 the right word. It just seemed like it
17 banged against me. The first thing I
18 felt was a tingling like I had been hit
19 on a nerve like a funnybone. I didn't
20 realize I had cut myself. It felt
21 funny. I think I just used the word
22 "jerk" but I don't know if it's the
23 right word.
24 Q. Whether it's the right word or not did

1 have.
2 CROSS-EXAMINATION
3 BY MR. TOBIN
4 Q. How has your injury affected your daily
5 life?
6 A. Other than the things that we talked
7 about earlier that were the things that
8 I can't do anymore more important is the
9 effect of the relationship with my son.
10 Six months after the accident I was
11 separated from my wife and then
12 visitation was very hard just getting
13 used to the AFO and his visual condition
14 was still so bad at the time. When I
15 had my son I would take him to my mom's
16 house because I couldn't handle him by
17 myself. His condition has actually
18 improved quite dramatically. He's now a
19 little toddler. He's a little behind
20 but he's a handful.
21 Q. Do you run and play with each other?
22 A. Yes.
23 Q. Do you run and play with him?
24 A. Not like I would like to.

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1 you feel that sensation before you felt
2 the blade contact your leg?
3 MR. TOBIN: Objection.
4 A. Just the one sensation of hitting my
5 leg.
6 Q. Did you feel the saw move or jerk in any
7 way before you felt the blade hit your
8 leg?
9 A. No. The jerking feeling wasn't in my
10 hand. It was in my leg. It felt like
11 it was pulling inwards.
12 Q. Were you describing a feeling that the
13 saw moved?
14 A. I just felt it on my leg.
15 Q. But that was after the blade contacted
16 your leg, not before.
17 A. At the same time.
18 Q. Right around the same time?
19 A. Yes.
20 Q. It's hard to distinguish whether it was
21 immediately before or immediately after.
22 A. Yes, it's very hard. It just wasn't a
23 typical bang. It was an odd feeling.
24 MR. BARRY: That's all I

1 Q. What can't you do with your son?
2 A. I can't really run with him at all. My
3 playing with him is limited. I just
4 sit there and watch.
5 Q. Mr. Watson, as you sit here today, can
6 you tell us one way or another whether
7 the saw that injured you was a twelve-
8 or a fourteen-inch model?
9 A. No, I don't think I could.
10 Q. Mr. Watson, before this deposition you
11 reviewed your answers to
12 interrogatories, correct?
13 A. Yes.
14 Q. And you specifically reviewed Answer
15 No. 3, is that right?
16 A. Yes.
17 Q. And there's a sentence in No. 3 that
18 says "For an hour prior to the accident
19 I had been cutting off rebar sections."
20 Do you remember that?
21 A. Yes.
22 Q. In fact, had you been cutting rebar that
23 entire day?
24 A. Yes.